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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Hongwei Kong
Serial No.: 10/822,434
Filed: April 12, 2004
Group Art Unit: 2686
Examiner: Loftin, Celeste
Title: SECTOR SWITCHING DETECTION METHOD

REQUEST FOR RECONSIDERATION

Commissioner of Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

This is responsive to the Office Action mailed on April 28, 2006. Applicant respectfully requests reconsideration of this application.

Applicant respectfully traverses the rejection under 35 U.S.C. §102 based upon the *Hamada, et al.* reference. As already pointed out by Applicant, the "access request" on the R channel of *Hamada, et al.* does not constitute a sector switching indicator (SSI). Even if it could be reasonably interpreted as a SSI, the Examiner's interpretation of the reference in an attempt to make it the same as Applicant's claims is not reasonable.

The Examiner points to column 3, lines 63-66 as teaching monitoring a plurality of frames. The access channel described at that point in the reference is *closed* so no access requests can be made on that channel during that time. Therefore, even if the access request was a SSI, none would

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be "detected" as required by Applicant's claims because the channel that the Examiner is relying upon is *closed*. Therefore, the *Hamada, et al.* reference cannot be reasonably interpreted to be the same as what is recited in claim 1.

Additionally, the Examiner relies upon column 10, lines 34-35 as teaching "detecting a sector-switching indicator (SSI) in at least one frame and over a sliding window containing at least two frames." What the *Hamada, et al.* reference actually teaches in that section is that a mobile station that desires to access a random access channel (i.e., "which intends to issue the access request to the base station 1") is the device that monitors the B channel (i.e., that used for transmissions from the base station 1 to the mobile station) and then accesses the R channel in a succeeding frame. That is not the same thing as detecting a SSI in at least one frame and over a sliding window containing at least two frames. The Examiner contends that the access request is the SSI. The mobile station issues the access request. The mobile station does not detect the access request. The Examiner, therefore, cannot interpret the mobile station monitoring the B channel as the same thing as a detecting an access request on the R channel (even if the access request could somehow be construed as a SSI).

It is not possible to read the *Hamada, et al.* reference on Applicant's claims. The *Hamada, et al.* reference focuses on detecting interference and then limiting or eliminating interference. That is not the same thing as detecting a SSI using a technique consistent with Applicant's claims. There is no anticipation.

There is no *prima facie* case of obviousness against any of Applicant's claims 3-15 where the *Hamada, et al.* reference is relied upon as the base reference of a proposed combination. Even

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if there were sufficient motivation to make any of the Examiner's proposed combinations, the result would not be the same as what is claimed.

Regarding claim 5, the "monitoring a plurality of frames on at least one channel associated with said at least two active set sectors" limitation cannot be considered the same as monitoring a closed R channel in the *Hamada, et al.* reference. In addition to the remarks above demonstrating how there is no anticipation, there is nothing in the *Hamada, et al.* reference that in any way suggests that the closed R channel that is discussed at the end of column 3 is associated with at least two active set sectors.

Additionally, there is no motivation for combining the *Hamada, et al.* reference with those suggested by the Examiner. For example, adding a "a final switch detection," "identifying a serving sector," "identifying at least two active set sectors," or the teachings of any of paragraphs [0074], [0085], [0107], [0108], [0109] or [0110] of the *Tee* reference provides no benefit to the interference detection and control technique of the *Hamada, et al.* reference. Where there is no benefit to a proposed combination, the legally required motivation is missing, the combination cannot be made and there is no *prima facie* case of obviousness. The same is true regarding the proposed addition of *Brouwer's* teachings at column 10, lines 1-11. That combination cannot be made, either.

Applicant respectfully traverses the rejection of claims 16-18 under 35 U.S.C. §102 based upon the *Brouwer* reference. Column 10, lines 1-10, discloses the use of the SSDT indicator during a diversity handoff. As the handoff is already in progress, the SSDT cannot be reasonably interpreted as a sector switching indicator. For the diversity handoff to be already in progress, that SSI would have already been given. The SSDT in column 10 of *Brouwer* is, therefore, not reasonably considered a SSI.

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Moreover, the technique at column 10 of *Brouwer* is for determining whether a power control command was reliable. That process does not involve preliminary and second switch detection decisions as recited in Applicant's claims. There is no anticipation.

Claim 19 cannot be considered obvious because the *Hamada, et al.* and *Brouwer* references cannot be combined. The power control command reliability check of *Brouwer* will not benefit in any way from the interference detection and control techniques of *Hamada, et al.* Therefore, there is no benefit to making the combination, the legally required motivation for modifying *Brouwer* is missing and there is no *prima facie* case of obviousness.

All claims are allowable.

Respectfully submitted,

CARLSON, GASKEY & OLDS, P.C.

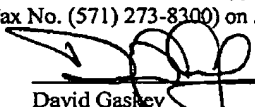
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Dated: June 28, 2006

CERTIFICATE OF FACSIMILE

I hereby certify that this Request for Reconsideration for Application Serial No. 10/822,434 is being facsimile transmitted to the Patent and Trademark Office (Fax No. (571) 273-8300) on June 28, 2006.


David Gaskey